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PROVISIONAL AGENDA FOR THE WORLD CONFERENCE AND DOCUMENTATION, INCLUDING THE QUESTION OF THE FINAL OUTCOME

Recommendations concerning the provisional agenda of the World Conference on Human Rights and its preparation submitted pursuant to paragraph 10 of General Assembly resolution 45/155

Report of the Secretary-General

CONTENTS

RECOMMENDATIONS SUBMITTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS

International Organization for the Development of Freedom of Education

GE.92-14151/1019K (E)

1. In an earlier document submitted for the World Conference on Human Rights (A/CONF.157/PC/6/Add.2), the International Organization for the Development of Freedom of Education (IODFE) stated that the Conference should enable the international community to establish a genuine human rights culture by giving fresh impetus to the action taken in three areas:

(a) The interdependence and universality of human rights;

(b) Information and education; and

(c) Strengthening the machinery for protection of human rights.

2. We wish to elaborate on the first point, and in particular on the interdependence between civil and political rights and economic, social and cultural rights. The progress achieved in the democratization process, in particular in the countries of central and eastern Europe, seemed to open up new prospects. However, we have noted that there is a continued blockage in this area.

3. We consider that a consensus exists - or should be easy to find - on certain ideas:

(a) Civil and political rights ("freedom-rights") and economic, social and cultural rights ("claim-rights") are different from the conceptual standpoint, but interdependent and indivisible in political practice. The question whether economic, social and cultural rights are genuine rights is meaningful only if we give an a priori definition of human rights. Logical reasoning should lead us to seek a conceptual formulation for the given reality and not vice versa.

(b) Economic, social and cultural rights presuppose action by the public authorities and, in many cases, expenditure: this expenditure should be quantified and this may be helped by a study of indicators. However, there is a tendency to identify State action and public finance. These are different questions. Furthermore, in bringing together quite different areas, consideration should be given to the separate study of economic rights, social rights and cultural rights within this perspective.

4. Out of concern for effectiveness and in order to permit a constructive study, IODFE has proposed the establishment, within the context of the Sub-Commission or in other forums, of pilot study projects in sensitive areas where this interdependence is particularly evident. These projects could develop on the pattern of working groups open to non-governmental organizations.

5. Given the role of education in economic and social development, the first of these projects might concern rights in the educational sphere. This question is particularly topical since we are in the middle of the Decade for Cultural Development, and the Economic and Social Council has invited States to give high priority to cultural factors in development. Educational rights - and this is a point which should be borne carefully in mind - are set forth in the two International Covenants. This simple fact could show that at least some of these rights are both "claim-rights" and "freedom-rights". In accordance with the classical division which we have just mentioned, on the side of the "claim-rights" we could place the right to education, whereas the right to freedom of education, the right to academic freedom and the right to establish educational centres should, in principle, be included among the "freedom-rights".

6. But all these rights are interdependent. Let us, for example, take the right to freedom of education: in appearance, this is a "freedom-right" which does not entail any expenditure by the State. But if we examine it more closely, without a financial commitment by the State the right to a choice of school is either an illusion or a source of discrimination. For freedom of education and parental choice to be able to exist, the State must finance all schools - both public and private - and support the most disadvantaged sectors. Freedom of education, a "freedom-right", is thus also a "claim-right".

7. In the light of this example, interdependence means that the action of the State is always necessary. What should be studied in these times are the State's methods of action and the precise role it must play in an advanced democratic society. There is an urgent need to re-examine the role of the State, which must no longer consider society as a dead and inert weight - as has been demonstrated by the poor results of this policy: crisis in democracy, lack of interest in the community - but must play its part as a catalyst for social dynamism.

8. As the the Director-General of UNESCO stated some time ago, it is essential to reconsider the role of the State on new bases which above all give it an ethical dimension as guardian of sovereignty and supreme guarantor of human rights. In order to carry out this function as arbitrator and administrator of the common weal, the State will have to carry out genuine decentralization for the benefit of local or private organizations, so as to confer responsibilities on other political, economic and community players and ensure their participation.